

## **REMARKS**

Agent for Applicant submits previously presented claims 31, 33, 34, 36, 38-42 and 46; currently amended claims 30, 32, 35, 37, 44, 45 and 47; and cancelled claims 1-29 and 43 for consideration by the Examiner. The present application has 17 claims in total.

### **Claim Rejections – 35 U.S.C. § 112**

The Examiner stated that claim 37 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Examiner noted that claim 37 refers to “the controls” whereas previous recitations include a singular “control”, and requested appropriate amendment.

Agent for Applicant has amended claim 37 to read “said control”, consistent with previous recitations. Agent for Applicant respectfully submits that the claims are now in compliance with 35 U.S.C. § 112.

### **Claim Rejections – 35 U.S.C. § 102**

The Examiner rejected claims 30-35, 38-41 and 43-47 under 35 U.S.C. § 102(e) as being anticipated by Gruteser et al. (6,870,477).

More specifically, the Examiner was of the view that (see paragraph 8 of the subject Office Action):

the Gruteser device does provide feedback information, in the form of signals, to a controller (240). The controller (240) issues instructions to effectors (210) to control various aspects of the chair, for instance, “if the information contained in the signal indicates that a person of a particular weight occupies the chair, the effectors in the chair may be signalled by the communications devices to adjust the ergonomic settings of the chair” (column 5, line 67 – column 6, line 4).

As previously indicated, Agent for Applicant and the Examiner participated in a telephone conference on May 8, 2009 in which the parties agreed that Gruteser does not disclose a member

including information output circuitry that outputs information to a person occupying the member regarding the directions for the operation of the controller by the person.

Agent for Applicant has added such limitation to independent claims 30, 35, 45 and 47 of the present application.

Thus Agent for Applicant respectfully submits that claims 30-35, 38-41 and 43-47 are not anticipated by Gruteser.

#### Claim Rejections – 35 U.S.C. § 103

##### *Claims 36-37*

The Examiner rejected claims 36-37 under 35 U.S.C. § 103(a) as being unpatentable over Gruteser in view of Sparks (6,204,767) as Gruteser disclosed all claimed elements except the provision of audio feedback from the control, which is taught by Sparks.

Agent for Applicant respectfully submits that in view of the above mentioned amendment to claim 35, upon which claims 36 and 37 are dependent, the claims as presented are patentable over Gruteser in view of Sparks. Sparks does not teach that the control outputs information to a person occupying the member regarding directions of use of the control by the person, as claimed in claim 35.

Therefore, Agent for Applicant respectfully submits that claims 36-37 are patentable over Gruteser in view of Sparks.

##### *Claim 42*

The Examiner also rejected claim 42 under 35 U.S.C. § 103(a) as being unpatentable over Gruteser in view of Burt (US 2002/0056709) as Gruteser disclosed all claimed elements except body-positioning means comprising a lumbar adjustment member controlled by a timer, which is taught by Burt.

Agent for Applicant respectfully submits that in view of the above mentioned amendment to claim 30, upon which claim 42 is dependent, the claims as presented are patentable over Gruteser in view of Burt. Burt does not teach information output circuitry outputting information to a

person occupying the member regarding the directions for the operation of a controller by the person.

Therefore, Agent for Applicant respectfully submits that claim 42 is patentable over Gruteser in view of Burt.

Further amendments to the Claims

Agent for Applicant notes that further amendments have been made to claims 30, 32, 35 and 44.

Claim 30 has been amended to remove redundant limitations.

Claim 32 has been amended such that it is dependent upon claim 30 rather than claim 31, as it is not required that a solar panel be provided for the biorhythm sensor.

Claim 35 has been amended to clarify that the member need not be a chair.

Claim 44 has been amended to be dependent on claim 38 given that claim 43, upon which it was previously dependent, has been cancelled.

Agent for Applicant respectfully submits that the claims as amended are allowable.

**CONCLUSION**

Agent for Applicant respectfully states that the application is now in condition for immediate allowance and respectfully solicits same.

Yours faithfully,



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